

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

THEOPRIC BLOODSAW,

Petitioner,

No. C 12-1553 PJH (PR)

vs.

V. CATALINA,

Respondent.

**ORDER GRANTING LEAVE
TO PROCEED IN FORMA
PAUPERIS, DISMISSING
PETITION, AND DENYING
CERTIFICATE OF
APPEALABILITY**

This is a habeas case filed pro se by a state prisoner. Most of the claims in the petition involve conditions of petitioner's confinement, not the fact of his conviction or the length of it, and thus may not be raised in a habeas petition. See *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (civil rights action is proper method of challenging conditions of confinement); *Crawford v. Bell*, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming dismissal of habeas petition on basis that challenges to terms and conditions of confinement must be brought in civil rights complaint). And Bloodsaw's previous habeas petition directed to the same conviction was dismissed with prejudice as barred by the statute of limitations, see *Bloodsaw v. Woodford*, C 06-2929-GHK-E (C.D. Cal. Jan. 19, 2007) (order adopted report and recommendation and dismissing petition with prejudice), so any claims in this petition that might be construed as going to the conviction would be second or successive. Because petitioner has not obtained an order from the court of appeals allowing him to file a second or successive petition, any habeas claims that might be discerned in the petition are barred. See 28 U.S.C. § 2244(b)(3)(A). In short, the petition must be dismissed.

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Petitioner's motion for leave to proceed in forma pauperis (docket # 4) is **GRANTED**.
The petition is **DISMISSED** for the reasons set out above. Because reasonable jurists
would not find the result here debatable, a certificate of appealability ("COA") is **DENIED**.
See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000) (standard for COA). The clerk shall
close the file.

IT IS SO ORDERED.

Dated: September 10, 2012.



PHYLLIS J. HAMILTON
United States District Judge